

REMARKS

New claims 21 and 22, which have been added to the application as set forth above, are supported by the disclosure at page 4, lines 12 and 13 of the specification.

Preliminary Remarks

The Examiner continues to reject the claims under 35 USC §112, first paragraph, on the basis that the specification does not enable one skilled in the art to make and/or use the invention since it does not disclose any example of a specific dietary fiber.

However, as Applicants have previously noted, the term "dietary fiber" is well-known in the art. [A search of the internet for "water soluble dietary fiber", for example, resulted in thousands of hits.] This being the case, Applicants respectfully submit that there is no need for the specification to disclose any specific example of a dietary fiber. One skilled in the art could readily practice the invention by obtaining dietary fibers, which as noted at the bottom of page 3 of the specification, are commercially available.

Furthermore, the Examiner takes the position that the Miskel et al. reference cited in support of the prior art rejection of the claims, discloses examples of dietary fibers. Since the art-skilled art aware of specific dietary fibers, and since the specification need not disclose facts which are well-known to those of ordinary skill in the art, Applicants take the position that the rejection based on lack of enablement, and more specifically the failure of the specification to disclose any example of a specific dietary fiber, is clearly improper and should be withdrawn.

In rejecting the claims under 35 USC §103(a) as being unpatentable over a combination of Miskel et al. in view of Lacy et al., the Examiner takes the position that it would have been obvious to one of ordinary skill in the art to homogenize the ingredient of Miskel et al. to achieve the beneficial effect of having a uniform product in a soft capsule in view of Lacy et al.

However, Miskel et al. discloses a soft capsule which contains a macromolecular gel-lattice matrix comprising 30-50% water and aqueous solution or suspension. On the other hand Lacy et al. discloses a carrier system including a hydrophobic drug which is dispersed or dissolved in a digestible oil. Since Miskel et al. deals with aqueous systems, whereas Lacy et al. is concerned with

② oil systems Applicants respectfully submit that one of ordinary skill in the art would not combine these systems since they would be incompatible with each other as oil and water are incompatible.

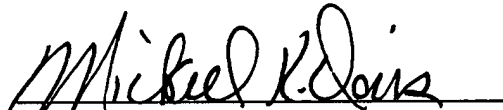
For these reasons, it is submitted that the prior art rejections of the claims should also be withdrawn.

Attention is also directed to new claims 21 and 22 set forth above, yet to be addressed by the Examiner.

Respectfully submitted,

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